

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 687 – SB 869**

March 30, 2011

**SUMMARY OF BILL:** Broadens the sex offender registry to include juvenile offenders who are at least 14 but less than 18 years of age and who have been adjudicated delinquent for an act that, if committed by an adult, would constitute aggravated rape, rape of a child, aggravated rape of a child, or criminal intent to commit such offenses. Includes a juvenile adjudicated delinquent as the result of an act classified at a violent juvenile sexual offense committed in another jurisdiction. Requires violent juvenile sexual offenders not currently registered on the sexual offender registry (SOR) to register by October 1, 2011. Requires a violent juvenile sexual offender to remain on the registry for 25 years after his or her active supervision or probation is concluded. Requires eligible offenders to obtain and possess at all times, a valid drivers license issued by the Department of Safety. The juvenile sexual offender will not be required to pay the administrative fee until the offender reaches the age of 18. Requires a court to transmit an offender's information to the Tennessee Bureau of Investigation (TBI) within 48 hours for inclusion on the SOR. Requires all violent juvenile sexual offenders to report in person to the offender's registering agency at least once during the months of March, June, September, and December to update the offender's fingerprints, palm prints, and photograph.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$9,500**

**Increase Federal Expenditures - \$9,100**

**Increase Local Expenditures – Exceeds \$100,000/One-Time\***

**Other Fiscal Impact – According to the Tennessee Bureau of Investigation, failure to pass this legislation may result in a 10 percent or \$5,038,600 decrease in the Byrne Grant funding for the State of Tennessee.**

Assumptions:

- According to the Department of Children's Services, on average, 64 juvenile offenders will be transported during the specified four months to the court where the adjudication occurred to update fingerprints, palm prints, and photographs.

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- On average, each transport will total 150 miles at a cost of \$0.485 per mile, resulting in an increase in expenditures of \$18,624 (64 juveniles x 4 transports x 150 miles x \$0.485 per mile). Of the \$18,624, seven percent (\$1,303.68) will be payable from Title IV-E Federal Funds; 63.74 percent (\$11,870.94) will be payable from TennCare funding; and \$5,449.38 will be payable from state funds. Of the TennCare expenditures, \$4,062.24 will be state funds at a rate of 34.22 percent and \$7,808.70 will be federal funds at a match rate of 65.78 percent
- The total increase in expenditures for transporting the juveniles is estimated at \$9,511.62 in state funds and \$9,112.38 in federal funds.
- According to the Department of Safety, because the cards currently issued for adult sex offenders will be used for juvenile offenders, there will no additional cost incurred.
- According to the Administrative Office of the Courts (AOC), the courts do not have access to a database that details out-of-state adjudications of minors for sex offenses or violent sex offenses. Most courts do not have the equipment necessary to update the juvenile's fingerprints, palm prints, or photographs. One-time expenditures for local governments to purchase the necessary equipment and modify the computer systems are estimated to exceed \$100,000 statewide.
- Offenders under the age of 18 will be exempted from \$150 registration fee, which the provisions of the bill postpone until the juvenile reaches age 18. According to TBI, fees are not currently collected from juvenile offenders. There will be no fiscal impact on the Department.
- According to TBI, any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- The federal "Adam Walsh Child Protection and Safety Act of 2006" requires states to maintain a sex offender registry and to include convicted sex offenders age 14 and above on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to "substantially implement" the registry requirements. Failure to include juvenile offenders age 14 and above in Tennessee would jeopardize approximately \$5,038,063 in federal Byrne Grant funds based upon the federal FY10 funding level (\$50,380,636 x 10% = \$5,038,063).

\*Article II, Section 24 of the Tennessee Constitution provides that: *No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/jdb